LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS

19925 TWENTY-THREE MILE ROAD

MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR

MARIE E. MALBURG, TREASURER

NORMAN J. SNAY, CLERK

TRUSTEES: DINO F. BUCCI, JR.

JANET DUNN CHARLES OLIVER

ABSENT: KENNETH MEERSCHAERT, JR.

(Additional attendance record on file with Clerk)

CALL MEETING TO ORDER

Supervisor BRENNAN called the meeting to order at 7:00 P.M.

1. ROLL CALL.

Clerk SNAY called roll. Meerschaert Absent.

2. PLEDGE OF ALLEGIANCE.

MOTION by SNAY seconded by OLIVER to remove Trustee Meerschaert from roll call votes.

MOTION carried.

3. <u>APPROVAL OF AGENDA ITEMS (with any addendum's)</u>

Items Tabled

- 11. Tentative Preliminary Plat; Strathmore Subdivision
- 12. Tentative Preliminary Plat; Turnberry Pointe Subdivision
- 22. Sanitary Sewer Service; Card/21 Shoppes
- 24a. Appointment of Planning Commission Board Members.

Additions:

- 16a. Discussion regarding Sites 9 & 9a.
- 24b. Request to revise Township Attorney pay rate.
- 24c. Request FMLA (Family Medical Leave Act).
- 24d. Huntcliff Condominium Development
- 24e. Request Hardship provisions for year 2001.

Executive Session:

29. Trinity Land Development v Macomb Township

MOTION by DUNN seconded by MALBURG to approve agenda as amended.

MOTION carried.

4. APPROVAL OF BILLS.

MOTION by DUNN seconded by OLIVER to authorize payment of bills as submitted.

FOR THIS MOTION: DUNN, OLIVER, BUCCI, SNAY, MALBURG, BRENNAN.

OPPOSED: NONE

ABSENT: MEERSCHAERT

MOTION carried.

4. APPROVAL OF MEETING MINUTES.

MOTION by OLIVER seconded by MALBURG to approve the minutes of January 10, 2001 as presented.

- 6. DEPARTMENT MONTHLY REPORTS
 - A. Macomb County Sheriffs Department.
 - B. Building Department
 - C. Fire Department
 - D. Water/Sewer Department
 - E. Parks and Recreation Department

MOTION by DUNN seconded by MALBURG to approve Department Monthly Reports as a consent agenda.

MOTION carried.

7. PUBLIC COMMENTS

None

PLANNING COMMISSION:

8. Rezoning Request; Agricultural (AG) to Residential Multiple Family Medium Density (R-2); Located north of 25 Mile Road and approximately 618 feet west of Broughton Road; Section 4. Thomas Paul Contractors, L.L.C., Petitioner. Permanent Parcel No. 08-04-400-028.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed rezoning and surrounding property. Mr. Bernard Lynden, presented to the Board the recommendation of the Planning Commission to deny the rezoning for the following reasons:

- 1. The proposed rezoning in inconsistent with the goals of the Master Plan.
- 2. The area is planned as a low density area.

Petitioner Present: Rich Vanderport of Thomas Paul Contractors, LLC

Board discussion was held.

Public discussion was held.

MOTION by SNAY seconded by DUNN to accept the recommendation of the Planning Commission and deny the rezoning of Permanent Parcel No. 08-04-400-028 from Agricultural (AG) to Residential Multiple Family Medium Density (R-2).

FOR THIS MOTION: SNAY, DUNN, BUCCI, OLIVER, MALBURG, BRENNAN.

OPPOSED: NONE

ABSENT: MEERSCHAERT

MOTION carried.

9. Tentative Preliminary Plat; Westwood Estates Subdivision No.2; (119 lots); Located on the north side of 23 Mile Road and approximately 3000 feet east of Romeo Plank Road; Section 16. D & K Land Developers, Petitioner. Permanent Parcel No. 08-16-100-016 (Referred to Planning Commission by Township Board on July 12, 2000).

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision and surrounding property. Mr. Lynden stated the recommendation of the Planning Commission to approve the plat for one (1) year contingent upon the fulfilling of the standard and the following conditions:

- 1. That a bond in the amount of \$12,050.00 be posted assuring the development of the landscape area.
- 2. That the Macomb County Road Commission approve the reduction of the road between 23 Mile Road and Pinecone Drive. (86 feet to 60 feet).

Petitioner Present: Bill Mosher of Urban Land Consultants

Public Portion: None

MOTION by SNAY seconded by MALBURG to approve the Tentative Preliminary Plat for Westwood Estates Subdivision No.2 for a period of one (1) year (expiring January 24th, 2002) contingent upon the fulfilling of the conditions recommended by the Planning Commission.

MOTION carried.

10. Tentative Preliminary Plat; Golfview Estates Subdivision; (30 lots); Located east of North Avenue and approximately ½ mile north of 21 Mile Road; Section 25. Classic Development, Petitioner. Permanent Parcel No. 08-25-301-001. (Tabled from meeting of December 5, 2000).

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision and surrounding property. Mr. Lynden stated the recommendation of the Planning Commission to approve the plat for one (1) year contingent upon the fulfilling of the standard conditions and the posting of a landscape bond.

Petitioner Present: Craig Duckwitz of AEW

Public discussion was held.

MOTION by OLIVER seconded by DUNN to approve the Tentative Preliminary Plat for Golfview Estates Subdivision for a period of one (1) year (expiring January 24th, 2002) contingent upon the fulfilling of the conditions recommended by the Planning Commission.

MOTION carried.

11. Tentative Preliminary Plat; Strathmore Subdivision; Located on the east side of Luchtman Road and 1,079 feet south of 26 Mile Road; Section 4. L & C 26 Mile Road Properties, Petitioner. Permanent Parcel No. 08-04-100-030.

Tabled at the request of the petitioner.

12. Tentative Preliminary Plat; Turnberry Pointe Subdivision; Located 430 feet west of Romeo Plank and 330 feet south of 22 Mile Road (extension of Turnberry Subdivision); Section 29; Paul Henderson, Petitioner. Permanent Parcel No. 08-29-226-021. (Tabled from meeting of January 10th, 2001).

Tabled to the meeting of February 14th, 2001 at the request of the petitioner.

NEW BUSINESS:

13. Request Approval of Fee Schedule; Spalding DeDecker Associates, Inc.

David Lakin of Spalding DeDecker and Associates, reviewed the newly submitted Fee Schedule.

Board discussion was held regarding specific reviews.

Public Portion: None

MOTION by SNAY seconded by OLIVER to adopt the new Municipal Clients Hourly Basis Fee Schedule Effective January 1, 2001 as follows:

Classification	Hourly Rate
Department Manager	\$117.00
Project Manager	99.00
Senior Project Engineer/Senior Project Surveyor +	99.00
Project Engineer/Project Surveyor +	86.00
Engineer +	77.00
Designer/Mapping Specialist +	72.00
Drafter/Technician +	60.00
Two-person Survey Crew (Crew Chief & Instrumentman	130.00
W/truck and equipment) or Sewer Crew +	
Additional Survey Assistants (if necessary) +	44.00
Construction Technician +	64.00

The Engineering/Surveying Officer, if necessary, would serve on special projects, litigation, or as an expert witness at a rate of \$210.00 per hour.

+ Overtime work will be charged at a rate equal to 1.3 times the indicated rate. "Overtime" is time worked in excess of 8 hours per day.

FEE SCHEDULE (APPENDIX A) (2001 UPDATE)

(A) ENGINEERING PLAN REVIEW AND ADMINISTRATION FEES

- (1) Fee for a Public Utility Company Other Than The Township.
 - a. For installations to be made as part of a Developer's Project, there will be no separate charge.
 - b. For installations in locations other than a Developer's Project, the fee will be at the rate of five cents (\$0.05) per foot of utility proposed to be constructed with a minimum fee per project of fifty dollars (\$50.00).
- (2) Fee for a Developer (Not including a Public Utility Company)
 - a. The fees to be paid to the Township for engineering plan review and administration, for a specific parcel of land for which the engineering plans are completed, will be based on a fixed cost per gross acre of developed site. The charges per gross acre will be based on one of the following appropriate conditions:

^{*} Hourly-Basis Fee Schedule to be adjusted annually.

- 1. For a single dwelling unit site: No Charge
- 2. For a site planned for one or more buildings (including land Subdivision):

Description Of Condition	For Parcels Under 10 Acres in Area	For Parcels 10 Acres through 40 Acres in Area	For Parcels over 40 Acres in Area
(i.) Where an individual well and septic tank are proposed for this site; or where the site contains only one building; and site grading, drainage, storm sewer, and/or paving improvements are proposed.	dollars per gross Acre, but a minimum of (1 x	(0.35 x CPI = $\underline{173.78}$) dollars per gross Acre, but a minimum of (4 x CPI = $\underline{1,986.00}$) dollars.	

Description Of Condition	For Parcels Under 10 Acres in Area	For Parcels 10 Acres Through 40 Acres in Area	For Parcels Over 40 Acres in Area
Drainage, Storm sewers, and/or	dollars per gross Acre,	dollars per gross Acre, but a minimum of (10	$(0.75 \text{ x CPI} = \frac{372.38}{1000})$ dollars per gross Acre, but a minimum of $(36 \text{ x CPI} = \frac{17,874.00}{1000})$ dollars.

^{*} CPI means the current-year Consumer Price Index number (i.e. the Detroit Area All-items/All-Urban-Consumers index number, as published by the U.S. Department of Labor; for this purpose, the previous year's November CPI number will become the current-year CPI number.

MOTION carried.

MOTION by SNAY seconded by DUNN to amend the Townships Application Fee Schedule.

MOTION carried.

14. Request for Sewer Diversion; Denewith Property SDA Job No. MA 01-01; Urban Land Consultants, L.L.C., Petitioner.

Supervisor BRENNAN reviewed the request and stated that the Township engineering firm had submitted their recommendation.

David Lakin of Spalding DeDecker & Associates, Inc. stated his recommendation to approve the permanent diversion.

Board discussion was held.

Petitioner Present: Bill Mosher of Urban Land Consultants

Public Portion: None

MOTION by DUNN seconded by OLIVER to accept the recommendation of the Townships Engineering firm of Spalding DeDecker & Associates to approve the permanent Sanitary Sewer Diversion; Deneweth Property SDA Job No. MA 01-01.

MOTION carried.

15. Request to Adopt Resolution No.1 for Retention Basin; Beaufait Farms Subdivision No.3.

Clerk SNAY stated his recommendation of Wednesday, February 28th, 2001 at 7:00 p.m.

Public Portion: None

MOTION by SNAY seconded by MALBURG to adopt Resolution No. 1 and schedule the Public Hearing for Retention Basin; Beaufait Farms Subdivision No. 3 for Wednesday, February 28th, 2001 at 7:00 p.m.

Beaufait Farms Subdivision No. 3

RESOLUTION NO. 1

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on Wednesday, January 24, 2001 at 7:00 o'clock p.m., Eastern Standard Time.

PRESENT: Members John D. Brennan, Norman J, Snay, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn,

Charles Oliver.

ABSENT: Kenneth Meerschaert, Jr.,

The following preamble and resolution were offered by Member SNAY and supported by Member MALBURG.

WHEREAS, final plat approval of Beaufait Farms Subdivision No. 3 (the "Plat") has been requested by the proprietor(s) thereof; and

WHEREAS, the County Public Works Commissioner of Macomb County (the "Commissioner") and the Macomb Township Board (The "Township") have examined the Plat and are willing to approve it on the condition that Section 192(d) of the Subdivision Control Act of 1967, 1967 PA 288, (the "Act"), requiring that the proprietor(s) provide an adequate storm water detention/retention basin, is satisfied; and

WHEREAS, the Proprietor and/or the Homeowners Association of the Plat are responsible for the maintenance and operation of the detention/retention basin pursuant to and in accordance with a Declaration of Easements, Covenants and Restrictions which will be recorded with the Macomb County Register of Deeds coincident with the recording of the Plat; and

WHEREAS, in the event the Proprietor and/or the Homeowners Association refuse, fail or neglect to maintain the detention/retention basin which results in conditions threatening public health, safety or welfare, thus requiring the Township to abate such conditions; and

WHEREAS, if the Township expends funds to correct such conditions and/or to assume the cost of operating and maintaining the retention basin, it is desirable that a Special Assessment District be established which will enable the Township to spread the cost upon Lots 134 through 199 of the Plat which contribute storm drainage to the basin and all other benefitted property, (including Lots 1 through 70 of Beaufait Farms Subdivision which are already subject to a Special Assessment District previously established by Macomb Township and recorded in Liber 7972, Page 570 through 572, inclusive, Macomb County Records, and Lots 71 through 133 which are already subject to a Special Assessment District previously established by Macomb Township and recorded in Liber 9238, Page 203, inclusive, Macomb County Records) if any, located in such district by the imposition of a special assessment levy; and

WHEREAS, it has been proposed that the special assessment levy be spread equally on each lot in the Special Assessment District.

WHEREAS, pursuant to Sections 192a(2) and 192a(5) of the Act, proper notice must be given and a hearing on creation of the Special Assessment District and defraying the cost of operating and maintaining the retention basin by special assessment on the property benefitted thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

- 1. That, subject to approval at a public meeting, the Township hereby declares a Special Assessment District pursuant to its authority granted by Section 192a of the Act and such Special Assessment District shall consist of Lots 134 through 199 within the Plat as shown thereon and additional adjacent building sites, and benfitted property, if any.
- 2. That the Township Board give notice of and hold a public hearing on Wednesday, February 28, 2001, on the creation of the Special Assessment District and objections thereto, including the defraying of the cost of operating and maintaining the detention/retention basin by special assessment on the property benefitted thereby. The operation and maintenance of the detention/retention basin shall include, but not limited to, the operation and maintenance of pumps, the cutting of grass and the removal of weeds and other debris.
- 3. That the storm water detention/retention basin provided by the proprietors is adequate to service the land within the special assessment district and, accordingly, the conditions of Section 192 of the Act are deemed fulfilled.
- 4. That the Township Board be and hereby is unauthorized, empowered and directed to make, execute and deliver any and all instruments and papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect or make operative any and all matters and things authorized or permitted to be done in the hereinabove resolution.

AYES: Members John D. Brennan, Norman J. Snay, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn,

Charles Oliver.

NAYES: NONE

ABSENT: Kenneth Meerschaert, Jr.

RESOLUTION DECLARED ADOPTED.

16. Request for Temporary Certificate of Occupancy; Jam Prototype Sheetmetal. Sam Biondo, Petitioner.

Supervisor BRENNAN reviewed the request and stated a recommendation letter submitted by Spalding DeDecker & Associates states that a bond has been posted to cover the site improvements still to be completed.

Petitioner Present: Timothy A. Pierce

Board discussion was held regarding the length of time being considered for the temporary certificate.

Public Portion: None

MOTION by DUNN seconded by OLIVER to grant the Temporary Certificate of Occupancy to Jam Prototype for a period of 120 days contingent upon site improvements being completed as recommended by the Building Department.

MOTION carried.

16a. Discussion regarding Sites 9 & 9A.

Larry Dloski, Township Attorney, informed the Board of the current status of the SMDA sites and stated that work had been authorized at the site and remediation was currently under way without any notification to the Township.

Public discussion was held regarding the history of the site.

BUILDING DEPARTMENT:

17. Request to purchase Storage Racks.

Bob Beckett, Building Official, reviewed the request.

Public Portion: None

MOTION by SNAY seconded by MALBURG to authorize the purchase of 10 storage racks for the approximate cost of one thousand nine hundred forty dollars and 00/100 (\$1,940.00).

MOTION carried.

PARKS AND RECREATION DEPARTMENT:

18. Request to continue National Recreation and Park Association Membership.

Martin Piepenbrok, Parks and Recreation Director, reviewed the request stated this continued membership will provide an affiliation on a national level.

Public Portion:

MOTION by SNAY seconded by DUNN to approve the continual Nation Recreation and Park Association Membership for the total cost of one hundred fifty dollars and 00/100 (\$150.00) and authorize the purchase of helium tank services from Smith Welding Supply & Equipment Company at an annual projected cost of approximately two hundred forty dollars and 00/100 (\$240.00).

MOTION carried.

19. Request to continue purchase of Helium Tank Service.

Item addresses with Agenda item #18.

WATER/SEWER DEPARTMENT:

20. Award of Contract, 23 Mile Road Sanitary Sewer.

David Koss, Water/Sewer Superintendent, reviewed the request and the recommendation submitted by Spalding DeDecker & Associates.

Public Portion: None

Board discussion was held regarding the area to be serviced by the sanitary sewer.

MOTION by OLIVER seconded by MALBURG to accept the recommendation of the Township Engineering firm of Spalding DeDecker & Associates and award the 23 Mile Road Sanitary Sewer contract to Dan's Excavating, Inc. of Shelby Twp for the bid amount of two hundred thirty seven thousand four hundred thirty eight dollars and 00/100 (237,438.00).

FOR THIS MOTION: OLIVER, MALBURG, BUCCI, DUNN, SNAY, BRENNAN

OPPOSED: NONE

ABSENT: MEERSCHAERT

MOTION carried.

21. Request to extend Luchtman Road Watermain; Emerald Green Subdivision. Salvatore Dimercurio & Frank Karam, Petitioners.

David Koss, Water/Sewer Superintendent, reviewed the request and stated his recommendation.

Public Portion: None

Board discussion was held regarding the connections of the proposed water main.

MOTION by OLIVER seconded by MALBURG to accept the recommendation of the Water/Sewer Department and authorize Spalding DeDecker & Associates to proceed and start the engineering design.

MOTION carried.

22. Request to extend Sanitary Sewer Service, 21 Mile Road from Miller Drain to Card Road; Card/21 Shoppes.

Tabled at the request of the petitioner to the meeting of February 14th, 2001.

- 23. Approval of Purchase Requisitions:
 - a. SLC Meter Service
 - b. Russ Milne Ford
 - c. East Jordan Iron Works

David Koss, Water/Sewer Superintendent, reviewed the purchase requisitions.

Public Portion: None

MOTION by DUNN seconded by OLIVER to authorize the payment of the purchase requisition to SLC Meter Service, Inc. for the total amount of four thousand nine hundred fifty eight dollars and 75/100 (\$4,958.75).

MOTION carried.

MOTION by DUNN seconded by OLIVER to authorize the payment of the purchase requisition to Russ Milne Ford, Inc. for the total amount of two thousand three hundred five dollars and 71/100 (\$2,305.71).

MOTION carried.

MOTION by DUNN seconded by OLIVER to authorize the payment of the purchase requisition to East Jordan Iron Works, Inc. for the total amount of seven thousand eight hundred seventy three dollars and 88/100 (\$7,873.88)

MOTION carried.

BOARD COMMENTS:

- 24. Supervisor's Comments
 - a. Appointment of Planning Commission Board Members.

Tabled

b. Request to revise Township Attorney pay rate.

Supervisor BRENNAN reviewed the rate of pay in comparison to surrounding communities and stated his recommendation.

Public Portion: None

MOTION by SNAY seconded by OLIVER to approve the new Township Attorney's rate of \$95.00 per hour.

MOTION carried.

MOTION by SNAY seconded by OLIVER for new rate to become effective February 1, 2001.

MOTION carried.

c. Request FMLA (Family Medical Leave Act).

Supervisor BRENNAN reviewed the request and stated that he must extinguish all the time he accumulated prior to the 12 week leave.

Board discussion was held.

MOTION by DUNN seconded by OLIVER to grant the FMLA (Family Medical Leave Act) for Mr. David Thoel from the Water/Sewer Department contingent upon extinguishing time he has accumulated prior to leave.

MOTION carried.

d. Huntcliff Condominium Development

Supervisor BRENNAN reviewed the request and stated his recommendation.

Public Portion: None

MOTION by SNAY seconded by DUNN to authorize the Township Attorney to initiate Civil Litigation in this matter.

MOTION carried.

e. Request Hardship provisions for Board of Review 2001.

Supervisor BRENNAN reviewed the request and stated each year the Board must adopt the Federal Poverty Income Standards for 2001 assessments prior to the Board of Review.

MOTION by DUNN seconded by OLIVER to adopt the Federal Poverty Income Standards as presented.

MOTION carried.

25. Clerk's Comments

Clerk SNAY stated that at the last Board meeting a resident had indicated that he had not been notified of project adjacent to him. Mr. Snay informed the board that the next day the resident had come into the office and was confirmed that yes he had been notified and had been informed of each project neighboring his property.

26. Treasurer's Comments

None

27. Trustee's Comments

Trustee DUNN request that the Board address the Officials salaries at the next upcoming meeting.

MOTION by DUNN seconded by OLIVER to adjourn into Executive Session at 8:06 p.m.

MOTION carried.

Returned from Executive Session at 8:17 p.m.

EXECUTIVE SESSION:

28. Ventimiglia v Macomb Township

Informational Only

29. Trinity Land Development v Macomb Township

MOTION by SNAY seconded by DUNN to authorize Legal Council to sign the consent judgement to vacate a portion of the plat.

FOR THIS MOTION: SNAY, DUNN, OLIVER, BUCCI, MALBURG, BRENNAN.

OPPOSED: NONE

ABSENT: MEERSCHAERT

MOTION carried.

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, JANUARY 24, 2001
AT 7:00 P.M.

ADJOURNMENT	
MOTION by DUNN seconded by M	MALBURG to adjourn the meeting at 8:18 p.m.
MOTION carried.	
Respectfully submitted,	
John D. Brennan, Supervisor	-
Norman J. Snay, Clerk	
Eva M. Mayer, Recording Secretary	
EMM	